

CYNTHIA E. RICHMAN (D.C. Bar No.  
492089; *pro hac vice*)  
crichman@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
1700 M Street, N.W.  
Washington, D.C. 20036-4504  
Telephone: 202.955.8500  
Facsimile: 202.467.0539

MARK A. PERRY, SBN 212532  
mark.perry@weil.com  
JOSHUA M. WESNESKI (D.C. Bar No.  
1500231; *pro hac vice*)  
joshua.wesneski@weil.com  
WEIL, GOTSHAL & MANGES LLP  
2001 M Street NW, Suite 600  
Washington, DC 20036  
Telephone: 202.682.7000  
Facsimile: 202.857.0940

Attorneys for Defendant APPLE INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

EPIC GAMES, INC.

Plaintiff, Counter-defendant  
v.

APPLE INC.,

Defendant, Counterclaimant

Case No. 4:20-cv-05640-YGR-TSH

**DECLARATION OF MARK A. PERRY IN  
SUPPORT OF APPLE INC.'S  
ADMINISTRATIVE MOTION TO SEAL**

The Honorable Yvonne Gonzalez Rogers

1 I, Mark A. Perry, hereby declare as follows:

2 1. I am an attorney licensed to practice in the State of California and a member of the Bar  
3 of this Court. I am a partner at the law firm Weil, Gotshal & Manges LLP, counsel of record for Apple  
4 Inc. (“Apple”) in this case. I am familiar with Apple’s treatment of privileged information based on my  
5 personal experience representing Apple. I have personal knowledge of the facts stated below and, if  
6 called as a witness, would testify competently thereto. I submit this declaration in support of Apple’s  
7 Administrative Motion to Seal (the “Motion”).<sup>1</sup>

9 2. I am aware that the law of this Circuit allows information to be filed under seal for good  
10 cause or in certain compelling circumstances. I also understand that courts routinely seal filings where  
11 documents include attorney-client privileged information. I understand that this Court has broad latitude  
12 to prevent the public disclosure of privileged information.

13 3. Apple has reviewed its Response to Order Regarding Discovery Sanctions [Dkt. 1171],  
14 the Declaration of Mark A. Perry in Support of Apple Inc.’s Response to Order Regarding Discovery  
15 Sanctions [Dkt. 1171], and the exhibits attached thereto and now proposes to redact portions of these  
16 documents and certain exhibits in full as set forth below, on the grounds that, if disclosed, the redacted  
17 information or exhibits would reveal confidential, attorney-client privileged and work-product protected  
18 information.  
19

20 4. Apple has narrowly tailored its sealing request to maximize the public’s access to court  
21 documents.  
22  
23  
24

---

25 <sup>1</sup> Courts in the Ninth Circuit routinely grant motions to seal based on declarations of counsel. *See, e.g.,*  
26 *In re Apple Secs. Litig.*, 19-cv-02033-YGR, Dkt. 223 (N.D. Cal.); *In re Qualcomm Litig.*, No. 17-cv-  
27 00108-GPC, Dkt. 398-1 (S.D. Cal. Mar. 26, 2018); *Avago Techs. U.S. Inc. v. Iprtronics Inc.*, No. 10-cv-  
28 02863-EJD, Dkt. 544 (N.D. Cal. Apr. 3, 2015); *Cisco Sys., Inc. v. OpenTV Inc.*, No. 13-cv- 00282-  
EJD, Dkt. 76 (N.D. Cal. Oct. 8, 2013). If the Court deems this declaration insufficient, Apple respectfully requests that it be permitted to file a further declaration supporting filing under seal.

5. Below is a chart detailing the documents sealable for the reasons explained herein, as well as in Apple's Motion:

Portion of Document Sought to be Sealed	Document Title	Reason to Seal
Highlighted information on pages 5 and 10-11.	Apple Inc.'s Response to Order Regarding Discovery Sanctions [Dkt. 1171]	Attorney-client privilege and work-product doctrine
Highlighted information in paragraphs 37, 44, 52, 53, 54, 92, and 93.	Declaration of Mark A. Perry in Support of Apple Inc.'s Response to Order Regarding Discovery Sanctions [Dkt. 1171]	Attorney-client privilege and work-product doctrine
Entire document	Ex. A (Outside counsel's privilege-specific review protocol provided to Deloitte)	Attorney-client privilege and work-product doctrine
Entire document	Ex. B (Outside counsel's general review protocol provided to Deloitte)	Attorney-client privilege and work-product doctrine
Entire document	Ex. C (Outside counsel quality control review protocol)	Attorney-client privilege and work-product doctrine
Entire document	Ex. D (Apple's company-wide privilege training)	Attorney-client privilege and work-product doctrine
Entire document	Ex. K (Outside counsel re-review protocol)	Attorney-client privilege and work-product doctrine

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 7th day of March 2025, in Middleburg, Virginia.

1 Dated: March 7, 2025

Respectfully submitted,

2 By: /s/ Mark A. Perry

3 Mark A. Perry

WEIL, GOTSHAL & MANGES LLP

4 Attorney for Apple Inc.